

CLD-215

August 11, 2022

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 21-1668

DEVIN ROUSE, Appellant

v.

SUPERINTENDENT MAHANOY SCI; ET AL.

(E.D. Pa. Civ. No. 2:16-cv-06451)

Present: AMBRO, SHWARTZ, and BIBAS, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability pursuant to 28 U.S.C. § 2253(c);
- (2) Appellant's supplemental pro se request for a certificate of appealability;
- (3) Appellant's letter requesting consideration of pro se submissions;
- (4) Motion by Pro Se Appellant to Withdraw Counsel;
- (5) Motion by Attorney Cheryl J. Sturm to Withdraw;
- (6) Appellant's response to counsel's motion to withdraw and motion for appointment of counsel;
- (7) Appellant's document filed November 29, 2021;
- (8) Appellant's document in support of appeal filed December 13, 2021; and
- (9) Appellant's letter filed July 14, 2022, in the above-captioned case.

Respectfully,

Clerk

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ORDER

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Appellant's motion for a certificate of appealability is granted limited to his claim that trial counsel was ineffective for failing to assert a due process right to present evidence showing that Ty-Ron Rouse committed the crimes. The request for a certificate of appealability is denied as to Appellant's remaining claims. Appellant has not made a substantial showing of the denial of a constitutional right as to these claims. See 28 U.S.C. § 2253(c)(2); Pabon v. Mahanoy, 654 F.3d 385, 393 (3d Cir. 2011).

Counsel's motion to withdraw, and Appellant's request that counsel withdraw, are granted. To the extent Appellant requests review of the Clerk's Order advising that hybrid representation is prohibited, that request is denied as moot. To the extent Appellant moves for the appointment of counsel for purposes of his motion for a certificate of appealability, his request is denied. If Appellant wishes to have counsel appointed for purposes of the appeal pursuant to 3d Cir. I.O.P. 10.3.2, he shall file a motion to proceed in forma pauperis within 21 days of the date of this Order. The Clerk shall send the necessary forms with this Order.

By the Court,

s/Stephanos Bibas  
Circuit Judge



A True Copy:

*Patricia A. Dodszeuweit*

Patricia S. Dodszeuweit, Clerk

Dated: August 15, 2022  
CLW/cc: Devin Rouse  
Laura Zipin, Esq.